

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SANDRA PHILLIPS-JOHNSON,	:	
	:	
Plaintiff,	:	19 Civ. 8187 (LGS)
	:	
-against-	:	<u>ORDER</u>
	:	
LUCKY 8 TV, LLC, et al.,	:	
	:	
Defendants.	:	
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, Plaintiff filed a Complaint on September 3, 2019, (Dkt. No. 1) pursuant to the Court’s diversity jurisdiction. On December 20, 2019, Plaintiff filed her First Amended Complaint. (Dkt. No. 19). On March 26, 2020, Plaintiff filed her Second Amended Complaint. (Dkt. No. 39).

WHEREAS, “[i]t is axiomatic that ‘diversity jurisdiction is available only when all adverse parties to a litigation are completely diverse in their citizenship.’” *Washington Nat’l Ins. Co. v. OBEX Grp. LLC*, 958 F.3d 126, 133 (2d. Cir. 2020) (citing *Herrick Co. v. SCS Commc’ns, Inc.*, 251 F.3d 315, 322 (2d Cir. 2001)).

WHEREAS, the citizenship of an LLC for purposes of diversity jurisdiction is the citizenship of its members. *See Platinum-Montaur Life Scis., LLC v. Navidea Biopharmaceuticals, Inc.*, 943 F.3d 613, 615 (2d Cir. 2019) (“Platinum-Montaur is a limited liability company (“LLC”), which takes the citizenship of all its members.”).

WHEREAS, “a corporation shall be deemed to be a citizen of every State . . . by which it has been incorporated and of the State . . . where it has its principal place of business.” 28 U.S.C. § 1332; *OneWestBank, N.A. v. Melina*, 827 F.3d 214, 218 (2d Cir. 2016).

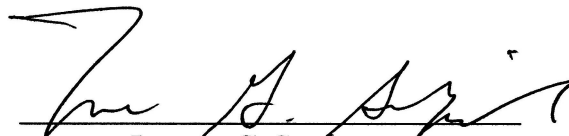
WHEREAS, Defendants filed a letter (Dkt. No. 55) indicating that Defendant A&E

Television Networks, LLC has corporate members who are citizens of California. Plaintiff is a citizen of California (*see* Dkt. No. 39 ¶ 5); therefore, the Court does not have diversity jurisdiction.

ORDERED that, by **October 12, 2020**, Plaintiff shall file a letter indicating why this matter should not be dismissed for lack of subject matter jurisdiction.

SO ORDERED.

Dated: October 8, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE